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Department of Commerce
Division of Public Utilities

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Response to Commission Action Request

To: Public Service Commission of Utah

From: Utah Division of Public Utilities
Chris Parker, Director
Energy Section
Artie Powel, Manager
Abdinasir M. Abdulle, Technical Consultant

Date: November 19, 2012

Re: 12-035-101, In the matter of the Application of Rocky Mountain Power for Approval of Changes to Tariff Schedule No. 38, Qualifying Facilities Procedures

Recommendation

The Division of Public Utilities (“Division”) recommends that the Public Service Commission (“Commission”) approve Rocky Mountain Power’s (“Company”) application for approval of its proposed changes to Tariff Schedule No. 38. The proposed changes reflect the Commission’s Report and Order issued on October 31, 2005, in Docket No. 03-035-14 (“2005 Order”).

Issue

On October 19, 2012, the Company filed with the Commission an application for approval of changes to Tariff Schedule 38. In its application, the Company indicated that the proposed changes are to make the Tariff compliant with the Commission’s 2005 Order. On October 29, 2012, the Commission issued an Action Request asking the Division to review the application and make recommendations and report back by November 19, 2012. This Memorandum is the Division’s response to the Commission’s Action Request.

Discussion

In Paragraph 13 of its 2005 Order the Commission stated

13. The Company is directed to work with parties to develop a proposed revision to Schedule No. 38 incorporating language informing QFs of available informal and formal dispute resolution procedures. Also the revision should include language informing QFs of the bidding process requirements for QFs 100 megawatts or greater and seeking terms of ten years or more. We further direct the Company to create on its web site (with reference to this site shown on Schedule No. 38) a transparent check list or table which incorporates the decisions in this order and allows QF developers to view the process for determining indicative pricing.

However, the Company for one reason or the other did not file the Commission ordered revision to Tariff Schedule 38. Consequently, in its Order on Request for Agency Action in Docket No. 12-2557-01, the Commission directed the Company to file revised Schedule 38 tariff sheets conforming to Ordering Paragraph 13 of the 2005 Order.

In response to these Commission Orders, on October 19, 2012, the Company its proposed revisions to Schedule 38 tariff sheets. The Division reviewed the proposed changes and checked them against the Commission's 2005 Order. The Division determined that the Company's proposed revisions to Schedule 38 are in compliance with the above mentioned Commission Order. Therefore, the Division recommends that the Commission approve the Company's proposed changes to Schedule 38.

CC: Dave Taylor, RMP
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